

## **DETAILED ACTION**

### **Remarks**

This Office Action fully acknowledges Applicant's remarks filed on June 3<sup>rd</sup>, 2010. Claims 1, 4, and 16-25 are allowed. Claims 19-25 were newly added.

### ***Allowable Subject Matter***

**Claims 1, 4, and 16-25** are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or fairly suggest a method of stirring a liquid sample containing an analyte and a reagent as recited in claim 1, in which an electric charge of the surface of the particles and an electric charge of the specific binding substance have a positive polarity (i.e. both having positive charges so as to repel one another), and wherein before stirring the liquid sample and reagent the pH is adjusted in the liquid mixture to be a pH of less than the isoelectric point of the reagent.

Further, the prior art of record fails to teach or fairly suggest a method of stirring a liquid sample containing an analyte and a reagent as recited in claim 21, in which an electric charge of the surface of the particles and an electric charge of the specific binding substance have a negative polarity (i.e. both having negative charges so as to repel one another), and wherein before stirring the liquid sample and reagent the pH is adjusted in the liquid mixture to be a pH more than the isoelectric point of the reagent.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments, see pages 6-8, filed June 3<sup>rd</sup>, 2010, with respect to claims 1, 4, and 16-18 rejected under 35 USC 112, 2nd paragraph have been fully considered and are persuasive. The rejection of claims 1, 4, and 16-18 has been withdrawn in view of Applicant's amendments to the claims.

Newly added claims 19 and 20 depend from allowable claim 1, and are allowable for the reasons discussed above.

Further, newly added claims 21-25 are allowable for the reasons discussed above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL TURK whose telephone number is (571)272-8914. The examiner can normally be reached on M-F, 9-630.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1797

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NT

/Jill Warden/  
Supervisory Patent Examiner, Art Unit 1797